THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.23775 OF 2005

Dated: 17-11-2005

Between

Mahanagar Metropolitan Water Supply and Sewerage Board Employees Union, bearing Registration No.B-2717, represented by its General Secretary, Sri V.D. Rama Rao, S/o. Venkat Narsimha Rao,
Occ: Employee, R/o. 8-45/3, Dilsukhnagar, Hyderabad.

...PETITIONER

AND

The Deputy Commissioner of Labour and Returning Officer, Office of the Commissioner of Labour, AP, T. Anjaiah, Shramika Bhavan, Road No.2, Banjara Hills, Hyderabad – 34 and others.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the order passed by the first respondent in proceedings No.E1/7481/2005 dated 02.11.2005 deleting the name of the petitioner union from participating in the elections to be held on 15.11.2005 as illegal and arbitrary.

It is submitted that the first respondent vide his proceedings dated 30.08.2005 furnished the proforma showing the names of the unions operating in Hyderabad Metropolitan Water Supply and Sewerage Board, which are willing to participate in the elections.

The petitioner union was shown at Sl.No.15 with registration number and date as B-2717 and 09.07.2001 respectively showing K. Laxma Reddy as the President and V.D.Rama Rao as General Secretary with the registered address as H.No.287/1/A/B/1, Chikkadpally, Hyderabad. The name of the petitioner union was deleted in the impugned proceedings dated 02.11.2005 on the ground that one group lead by Smt. Raja Rajeswari claiming to be the President of the petitioner union stated that they are not willing to contest the elections and hence, the name of the petitioner union was deleted from the contest. A file has been produced wherein Smt. Raja Rajeswari claiming to be the President of the petitioner union addressed a letter to the first respondent stating that she is not willing to contest in the elections. The first respondent acting upon the said letter deleted the name of the petitioner union with issuing any notice and without conducting any enquiry. It is further submitted that Smt. Raja Rajeswari is no more an employee as she has retired from service and she has also not paid any subscription to the petitioner union.

Learned counsel for the petitioner submits that the first respondent having recognized the petitioner union represented by its President and General Secretary should not have acted upon the letter filed by Smt. Raja Rajeswari, which action is not justified.
Therefore, the action of the first respondent is illegal, arbitrary and without any justification.

Having regard to the facts and circumstances of the case and
as the petitioner union has been permitted to contest in the election pursuant to the interim orders granted by this Court, the impugned proceedings of the first respondent deleting the name of the petitioner union from participating in the election without giving any notice to the petitioner union and without making any enquiry is set aside.

The writ petition is accordingly allowed.

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V. ESWARAIAH, J

November 17, 2005

DSK